

Newsday

Long Island, NY 11747

FCC MAIL SECTION

ORIGINAL
FILE

☒ A Times Mirror
☒ Newspaper

June 5, 1992 9 9 02 AM '92

Douglas B. Fox

President
Chief Operating Officer
(516) 454-2350

Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

RECEIVED

JUN 10 1992

Reference: CC Docket No. 92-90

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Dear Ms. Searcy:

I am writing to comment on proposed regulations that seek to limit certain kinds of telemarketing activities. These activities include the use of pre-recorded telemarketing machines, as well as general telemarketing calls made to hospitals, emergency response units, police and firefighters. Also among the proposals is the possibility of creating a national "do not call" database.

I am sympathetic to an individual's or institution's desire to avoid annoying, intrusive and irrelevant phone calls. However, I also believe that businesses should be free to conduct their affairs in a manner that is consistent with local and community standards. This is especially true of newspapers, which are rooted in local communities and which put their own existence at risk when they fail to adapt to the standards of their communities. Certain elements of pending regulation would unfairly restrict, and raise the costs, of businesses which have a successful record of internally regulating their telemarketing activities. I urge you to continue to protect the rights of responsible telemarketers.

Here at Newsday, we have extensive experience with telemarketing. We have employed a telemarketing sales staff for many years and secure approximately 60 percent of all newspaper subscriptions using this method. We do not use automated pre-recorded technology. All our telemarketing is done with live operations working from a residential database on nonsubscribers. Our telemarketers identify themselves at the beginning of a call, and we respect the wishes of a respondent who prefers not to speak to us.

We discovered long ago that some consumers would prefer not to receive a solicitation call from us. As a long-standing policy, we acknowledge these requests and voluntarily remove the consumers' numbers from our own files. At the same time, we eliminate the phone number of businesses which are not likely to subscribe to the newspaper. This naturally excludes hospitals and other emergency response units.

In other words, we maintain our own "do not call" file, not because we have been required to do so, but because we recognize that it is in our own best interests to do so. It is expensive to make unnecessary phone calls. Over the years, we have found that approximately three percent of the households in our market have requested that we remove their numbers from our files. We choose not to call them because calling them does not make good business sense.

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To: Donna R. Searcy
Re: CC Docket No. 92-90

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However, although we do not use pre-recorded automated telemarketing technology today, I can foresee the day that we may want to use such technology for legitimate purposes. Granted, some automated, pre-recorded telemarketing technologies, when employed as a high-pressure sales tool, have created widespread public animosity. Automated, pre-recorded calling technology can be used to convey information that is of value to the recipient of the call.

For instance, we currently make calls with live operators to new subscribers to verify that their first delivery of the newspaper has occurred to their satisfaction. However, we could automate this call, and ask the customer to press one key on their phone if the delivery was satisfactory, or press another key if the delivery was unsatisfactory.

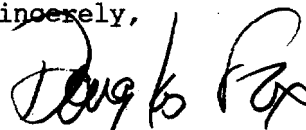
The applications of automated calling are limitless. I understand that current proposals allow consumers to determine whether they will accept automated, pre-recorded calls. I doubt, however, that the regulations can be written carefully enough to enable a consumer to accept some automated calls and not others. How do consumers distinguish between automated calls that they wish to receive and ones they do not?

In lieu of prohibiting the use of automated pre-recorded telephone technology except by express consent of individual consumers, I suggest that the FCC consider reinforcing the use of existing regulations that enable consumers and local jurisdictions to identify and curtail the activities of specific abusers of such technology. Regulation that, for instance, requires all businesses that use telemarketing to identify themselves and to provide a phone number for the consumer to respond is an appropriate remedy. It is appropriate for individual consumers, or for institutions such as hospitals or firefighters which also wish to avoid these calls.

This type of regulation places the burden of responsible action on those engaged in telemarketing. It holds responsible businesses harmless. Other alternatives, such as a national do not call list, special indicators in directories indicating "do not call" status, and time-of-day restrictions, all represent impediments to responsible telemarketers.

In summary, I believe that there are adequate remedies today, once abusers of the telephone have been identified, to restrict their activities. Although the proposed regulations are an attempt to ensure the call recipient's right to privacy, I suggest that alternative regulation should be aimed at better methods of identifying abusers. Otherwise, you risk excessive restrictions on businesses, such as Newsday, which have a clear record of responding quickly and effectively to the wishes of its community. I urge you to exclude any such restrictions from future regulation.

Sincerely,



Douglas B. Fox
President & Chief Operating Officer

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